




# Office of Human Rights

Bureau of Consumer Rights  
Division of Behavioral Health Services  
Arizona Department of Health Services

Special Assistance:  
Training for HRC Members



# Objectives

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After completing this training you will be able to:

- Describe the basics of Special Assistance.
- Describe the roles of the qualified assessor, Regional Behavioral Health Authorities, Office of Human Rights and the Human Rights Committees with respect to Special Assistance.





# What Is Special Assistance?

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## **In a nutshell, Special Assistance is:**

The support and help provided to an individual who is unable - due to a specific condition - to communicate his or her preferences and/or to participate effectively in the development of his or her service plan, discharge plan, the appeal process and/or grievance/investigation processes.

# General Requirements

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An individual who has been determined to have a Serious Mental Illness (SMI) is in need of Special Assistance if, according to a qualified assessor (see slide #9), he/she is unable to do any of the following:

- Communicate preferences for services
- Participate in service planning (ISP) or inpatient treatment and discharge (ITDP) planning
- Participate in the appeal, grievance, and/or investigation processes.





# **AND**



OHR/3-9-07, revised 6-15-07



# General Requirements (cont.)

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The individual's limitations are due to any of the following:

- Cognitive ability/intellectual capacity (for example, mental retardation, borderline intellectual functioning, etc.)
- Language barriers, for example: an inability to communicate that extends **beyond** what an interpreter/translator can address
- Medical conditions, including, but not limited to psychiatric symptoms (for example: a traumatic brain injury, dementia, severe psychiatric symptoms, etc.)

\*Please note that individuals who have been deemed incapacitated pursuant to a guardianship (not including limited guardianship) automatically meet criteria for Special Assistance.



# General Requirements: Qualified Assessor

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The Arizona Administrative Code and ADHS/DBHS policy provide that the following can determine whether an individual enrolled as a Person with a SMI is in need of Special Assistance, hereinafter “qualified assessor:”

- Qualified Clinician
- Case Manager
- Clinical Team of T/RBHAs
- T/RBHA
- Program Director of a Subcontracted Provider
- ADHS/DBHS Deputy Director
- Administrative Hearing Officer

# Special Needs vs. Person in Need of Special Assistance

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An individual with special needs is not automatically in need of Special Assistance. Some examples of an individual with special needs is someone who:

- Does not speak English
- Does not know how to read or write
- Is deaf, hard of hearing, blind or has a physical disability
- Needs specialized treatment



# Special Needs vs. Person in Need of Special Assistance (cont.)

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- The clinical team/T/RBHA/provider is required to arrange for a qualified interpreter/translator, staff who speak the language fluently or other reasonable accommodations to meet the individual's special needs.
- An individual who has a special need, does not generally meet the criteria for Special Assistance. A notification to OHR about an individual with a special need is **not** required.
- However, on occasion, the individual may, despite the accommodation for the special need, be unable to participate effectively in the ISP, ITDP, grievance, investigation or appeal processes. The qualified assessor should make the notification, indicating the specific condition that affects the ability to participate effectively.

# Review of General Requirements

To make the determination of whether an individual is in need of Special Assistance the qualified assessor must:

- Be familiar with the individual
- Look at the totality of the circumstances, or the “big picture,” with respect to any factors affecting the individual’s ability to participate effectively
- Recognize that “special needs” or other factors, such as an individual who needs extensive engagement to encourage participation in recovery, are not Special Assistance needs





# REQUIRED PROCESS

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- Qualified assessors must follow the established process to notify the Office of Human Rights (OHR) within three days of identifying an individual in need of Special Assistance.
- Qualified assessors must also notify OHR within ten days of a determination that an individual is no longer in need of Special Assistance.
- OHR reviews the notification and whether anyone is meeting the individual's Special Assistance. When needed, OHR assigns an advocate to represent the individual.

# Activity: Question 1

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Antonia is a 19 year old female who is diagnosed with bipolar disorder and severe mental retardation. She is a person enrolled with a SMI. She has a guardian. Antonia's cognitive impairment affects her ability to communicate her wishes and her participation in ISP meetings. She currently has a potential service issue that may require the filing of an appeal.

Is Antonia in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.



# Activity: Question 2

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Augusto is a 32 year old male who lives in his own home. He is diagnosed with major depression and is a person enrolled with a SMI. He does not like to venture outside of his house very often, although he is willing to come to the clinic for the meeting. His first language is Spanish and he does not speak, read nor write English well. He is newly enrolled and his ISP is scheduled for next week. He is willing to come to the clinic for the meeting as long as transportation is provided.

Is Augusto in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.

# Activity: Question 3

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Johnny is a 25 year old male. He is diagnosed with schizophrenia and is a person enrolled with a SMI. Over the past year, he has been hospitalized three times for a total of eleven months. His symptoms are so acute that they are currently affecting his cognition - he has difficulty processing information and responding to questions. He believes that the FBI is monitoring him and that the inpatient and outpatient team members are undercover FBI informants. As a result, he is fearful about participating in discharge planning and also appears unable to respond to basic questions about his preferences with respect to discharge due to the effects of his condition on his cognition.

Is Johnny in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.



# Activity: Question 4

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John is a 46 year old male who is currently in an inpatient setting. He is a person who is enrolled with a SMI, and is diagnosed with depression and PTSD and borderline intellectual functioning. He has a limited guardianship in place – with a guardian for medical issues only (does not include psychiatric issues). John has difficulty remembering people, including those he has recently met. He has difficulty processing ideas and thoughts. When asked a question he usually does not respond to the question and instead talks about random events and things, most likely because he is not comprehending the question asked. For example, when asked if he knows what his treatment plan is his response is “I like carrots, tomatoes, broccoli, and radishes....I also buy 18 yogurts when I go to the store.”

Is John in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.

# Activity: Question 5

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Juanita is a 55 year old female who has schizoaffective disorder. She is a person enrolled with a SMI. Juanita suffered a traumatic brain injury (TBI) when she was struck by a vehicle 20 years ago. Juanita needs assistance with her activities of daily living and needs assistance in helping her recognize and avoid hazards. Juanita has trouble with recall memory and experiences extreme difficulty with communicating her thoughts and ideas.

Is Juanita in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.



# Activity: Question 6

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Tony is a 65 year old male diagnosed with anxiety disorder and mild mental retardation and is enrolled as a person with a SMI. He uses a wheel chair for a physical disability. He lives in his own apartment and because of his limited mobility and anxiety issues, he does not leave the apartment often. Despite having mild mental retardation, he is able to communicate, as long as staff takes the time to explain things and uses more basic language. He participates well in ISP planning every six months. He currently has a grievance pending and does not want to be interviewed at the RBHA site because of his limited ability to leave the apartment.

Is Tony in need of Special Assistance?

- provide support for your answer
- indicate the next steps to take.

# Activity: Discussion & Review

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Please discuss answers.

Review Sample Special Assistance notification forms (see handouts).





# Clinical Team Responsibilities

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- Assess all individuals who are enrolled with a SMI to see whether they are in need of Special Assistance during the initial assessment process and on an on-going basis thereafter. Document the details in the clinical file. Minimally, the assessment should occur
  - prior to ISP meetings and reviews,
  - prior to ITDP meetings and reviews,
  - when a grievance or an appeal is filed, or
  - when conditions exist that may constitute a basis for filing a grievance or an appeal.

## Clinical Team Responsibilities (cont.)

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- Inform the individual in need of Special Assistance of such and explain the benefits of having an advocate or another person involved to assist with meeting the Special Assistance need(s).
- Maintain the Request for Special Assistance form in the individual's comprehensive clinical record (depending on the T/RBHA, this could also include documenting it in the ISP, Part E, face sheet, and progress notes).



## Clinical Team Responsibilities (cont.)

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Contact the OHR advocate or the person meeting the Special Assistance needs when their involvement is required:

- ISP planning and reviews (including any time the individual is making decisions about service options, a service is being modified, or a service is being terminated)
- ITDP planning (this includes any time a person goes into an inpatient setting)
- Investigation, grievance or appeal processes (or when filing a grievance or appeal may be warranted).

## Clinical Team Responsibilities (cont.)

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- Ensure open communication is maintained with OHR and the assigned advocate, guardian, family member, or friend who is meeting the Special Assistance need.
- For the individuals in need of Special Assistance whose guardian, family member, or designated representative is meeting their needs, keep the T/RBHA updated (per the established process) on any change in information for the individual.



# OHR Responsibilities



- OHR maintains a list of individuals in need of Special Assistance, the areas of need, and who is addressing the needs.
- OHR reviews grievances and appeals filed by individuals in need of Special Assistance and as needed, provide assistance in resolving them.
- OHR prepares reports as follows:
  - Monthly reports for the Human Rights Committee for each region
  - Quarterly reports for each T/RBHA.

# OHR Responsibilities (cont.)

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- As needed, OHR provides advocacy to meet the Special Assistance needs of individuals.
- The assigned OHR advocate communicates with the individual and the clinical team on an on-going basis and ensures that the specific Special Assistance needs are being met.
- If an individual's Special Assistance need is being met by a guardian, family member or friend, OHR will share information with them about OHR and how to request technical or direct assistance, when needed.



# HRC Responsibilities

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The Human Rights Committee (HRC) for the region is responsible for making regular visits to the residential settings of individuals identified as in need of Special Assistance to ensure that their needs are being met and to determine their satisfaction with the care.

- HRC members do not need an Authorization for Release of Information (ROI) in order to visit individuals in need of Special Assistance.
- HRC members generally need a ROI to view individuals' records.

# Discussion & Questions

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Discuss HRC responsibilities.

Address any questions about Special Assistance.





# Resources

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- Arizona Administrative Code, R9-21-101.B.13 and R9-21-301.C.1 & 2
- FAQs (version 3/2/06) – see handout
- DBHS Policy and Procedures GA 3.4\*
- ADHS/DBHS Provider Manual section 5.4\*

\*Please note that DBHS is currently revising this to clarify the process and the criteria used to identify persons in need of Special Assistance.

# Contacts

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If you have questions about Special Assistance,  
please call the Office of Human Rights:

Phoenix:                   602-364-4585  
                                  1-800-421-2124

Tucson:                   520-770-3107/3108  
                                  1-877-524-6882

Flagstaff:                928-214-8231